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Human rights situations that require the Council's attention

Note verbale dated 26 September 2018 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council

The Permanent Mission of the Syrian Arab Republic to the United Nations Office and other international organizations in Geneva presents its compliments to the secretariat of the Human Rights Council, and has the honour to attach herewith a letter dated 26 September 2018 addressed to the President of the Council by the Permanent Representative of the Syrian Arab Republic (see annex). The Permanent Mission kindly requests that the present note verbale and the annex thereto be translated into the official languages of the United Nations and circulated as a document of the thirty-ninth session, under agenda item 4.

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Annex to the note verbale dated 26 September 2018 from the Permanent Mission of the Syrian Arab Republic to the United Nations Office at Geneva addressed to the secretariat of the Human Rights Council

[Original: Arabic]

I am writing to you, pursuant to instructions from my Government, concerning the report by the Commission of Inquiry on the Syrian Arab Republic submitted to the Human Rights Council at its thirty-ninth session under agenda item 4 and published in document A/HRC/39/65. Its authors insist on adopting a one-sided and biased approach to their work, as reflected in all the reports submitted by the Commission in the years since its establishment, and on adopting a politicized approach to the situation in the Syrian Arab Republic, which is totally unacceptable.

The Syrian Government reiterates its refusal to recognize the Commission, which was established and whose mandate was extended by politicized and non-consensual resolutions adopted by the Council on the basis of a vote and without the consent of the State concerned. It also reiterates its refusal to recognize the reports issued by the Commission. With a view to clarifying the facts, we wish to refute a number of the charges made in the report contained in document A/HRC/39/65 and to respond to the fabrications and fallacies that were disseminated during the discussion of the report.

I. The report sets a new precedent by adopting flagrant double standards in the Commission's investigations. It confuses political assessments with professional work, and the results of the Commission's investigations, which are conducted far from the actual scene of the events, are replete with false figures and information, illogical judgments and contradictory charges. In this context, the Syrian Arab Republic deplores the report's politicized and negative attitude to the war crimes and violations of international law perpetrated by the forces of the Turkish regime and its mercenaries in northern Syria, and to the crimes perpetrated by the illegal coalition forces led by the United States and its allies and mercenaries in north-eastern Syria. It also ignores the crime of tripartite aggression committed against the Syrian Arab Republic, which constitutes a clear violation of international law and the Charter of the United Nations. The crimes committed by the invading Turkish forces and their mercenaries, which are mentioned in the report in connection with the Syrian area of Afrin, and which include the indiscriminate and deliberate targeting of civilians and their property, the destruction of archaeological sites designated as protected sites by UNESCO, the targeting of hospitals, medical teams and relief convoys, and the displacement of hundreds of thousands of civilians from their homes, are violations of international humanitarian law equivalent to war crimes. Yet the report adheres to the logic of the political narrative and refrains from any characterization of the acts in legal terms and from any demands of accountability. To make matters worse, the report manipulates the facts and legitimizes the Turkish pretexts, so that its violations of international law and the Charter of the United Nations are endorsed in the report. This deplorable approach is similar to the policy of manipulation that characterizes the Commission's reports, which ignore the continuous war crimes committed by the illegal international coalition led by the United States on Syrian territory. The coalition destroyed the city of Raqqa, although its citizens remained inside, and the Commission of Inquiry remained silent. It also killed and displaced tens of thousands of people on the pretext of combating Daesh terrorists, whose exit from the city it eventually facilitated, transferring them to other areas where they could fight against the Syrian armed forces. The population has not yet returned to the city because of the existence of mines and unexploded ordinance, which have claimed hundreds of civilian victims.

II. The Syrian Arab Republic refuses to publish the Committee's reports on account of the arbitrary charges levelled against the Government's forces and their supporters, alleging that they deliberately target civilians. It requests the authors of the report to submit documents that back up their allegations, and to stop relying on the accounts of non-neutral and non-impartial sources, such as those described as "eyewitnesses" or "civilian entities",

and to refrain from approving reports by governments that are hostile to the Syrian Government. Syria deplores the report's attempts to justify the deliberate indiscriminate shelling of residential neighbourhoods in Damascus by terrorist groups, treating it as a mere reaction, although it constitutes a terrorist act and a clear and unambiguous crime.

III. Syria is taken aback by the persistent claims by the authors of the Commission's report that the Syrian Government fails to take the necessary precautions to protect civilians, although the Government's approach has focused on making arrangements to restore calm and achieve a cessation of hostilities, to promote national reconciliation, and to offer insurgents the opportunity to surrender their weapons and regularize their situation in order to preserve the lives of civilians in the areas where they are located. The Government of the Syrian Arab Republic has repeatedly affirmed its commitment to the norms of international humanitarian law in all the operations conducted by the Syrian armed forces, and has taken all possible measures to protect civilians during the liberation of areas controlled by armed terrorist groups in eastern Ghouta, the south of the country and other areas. The Syrian Government has missed no opportunity to become involved in restoring calm and preventing Syrian bloodshed. In Dara'a, for example, the Syrian State reached an agreement on resolving the situation of all militants by issuing an amnesty to those who handed over their weapons. With regard to the Governorate of Idlib, the Syrian State is determined to continue combating terrorism until the entire territory has been liberated from terrorist organizations, either by means of military operations or through local reconciliation initiatives. It is also determined to respond to the appeals of the Syrian people in Idlib, who have demanded that the State intervene to protect them from terrorist crimes. Contrary to the defamation campaigns promoted by some States that support terrorism and by certain United Nations officials, the protection of civilians is a core concern of the Syrian Government, which gives high priority to reconciliation and has taken all necessary steps to guarantee security for civilians and to meet their basic needs. It has reached agreements in that connection with United Nations humanitarian agencies. The Government welcomed the agreement on the city of Idlib announced in the Russian city of Sochi on 17 September 2018, which was the outcome of intense consultations and close coordination between the Syrian Arab Republic and the Russian Federation. It is a time-bound agreement with specific dates, and stems from previous agreements on de-escalation zones resulting from the Astana process, all of which are based on a commitment to the sovereignty, unity and territorial integrity of the Syrian Arab Republic and the liberation of all Syrian territory from terrorism, terrorists and the illegal presence of foreign military forces.

IV. The Syrian Arab Republic has repeatedly asserted that it has no chemical weapons and it has condemned the use of chemical weapons at any time, in any place and under any pretext as an immoral act. Syria categorically denies the allegations by the authors of the report concerning the Syrian Government's responsibility for the use of chemical weapons. It deplores the Commission's continuous dissemination of false and unsubstantiated charges, although it is well aware that Syria has not possessed any chemical weapons since it disposed of them under the auspices of the Organization for the Prohibition of Chemical Weapons (OPCW) following its accession to the Chemical Weapons Convention. Syria rejects the Commission's persistent overstepping of its mandate and its assumption of the jurisdiction of international bodies with competence in that area. The Commission's persistent dissemination of such serious accusations, based on investigations that fall outside its field of competence, and its disregard of the requirements of the Chemical Weapons Convention and the norms applicable to independent and impartial investigations, have turned the Commission into an accomplice that provides pretexts for military aggression against Syria and that serves the political objectives of its perpetrators.

V. Syria notes with surprise that the Commission's report endorses the false allegations concerning Act No. 10 and completely ignores the clarifications and responses provided by the Syrian Government in official documents submitted to the United Nations. It should be noted in this regard that Act No. 10 is being reviewed by the competent national authorities and that a new law will shortly be enacted that takes into consideration the comments made by some Syrian citizens and responds to their concerns. We reaffirm that private property is protected by the Syrian Constitution, which does not permit any authority to confiscate it.

VI. With regard to displaced persons and refugees, the Government of the Syrian Arab Republic is determined to return all citizens who were compelled by the conditions created by terrorism and unilateral coercive measures to abandon their homes, areas of residence and homeland. It is prepared, in this context, to provide facilities that will enable them to return with dignity to their country, and it appreciates all support and assistance for its efforts to return persons who have been displaced within the country and abroad. It has taken all necessary steps to regularize the situation of displaced persons and to ensure their return as soon as security and basic services have been restored in the various areas liberated from terrorism. It is surprising that the authors of the report ignore the Syrian Government's statement, issued on 10 July 2017, encouraging persons who were forcibly displaced from their lands and country to return. We are also surprised by the Commission's disregard of the decision by the Syrian Council of Ministers to establish a ministerial coordinating committee to coordinate the return of refugees and displaced persons to towns and villages that they abandoned on account of terrorism. These measures enabled hundreds of thousands of internally and externally displaced persons to return to their areas of origin. They included tens of thousands of Daraya residents who, according to the false allegations disseminated by anti-Syrian parties and accepted by the Commission, had been subjected to demographic change and forced displacement.

VII. The Syrian Arab Republic deplores the persistent meddling by the authors of the report into affairs that are unrelated to their mandate, including the political situation and aspects of the political talks, while at the same time ignoring issues that have a direct bearing on the human rights situation in Syria, namely the unilateral coercive economic measures imposed on the Syrian people by the European Union, the United States of America and others. The Syrian Government considers that the Commission's conduct in this regard is due to its submission to the will of the sponsors of resolutions aimed at establishing and extending the Commission's mandate, namely the States whose Governments impose economic, financial and banking sanctions on Syria.

In conclusion, the Syrian Arab Republic reaffirms that the Commission's continuous production of reports in a manner that breaches the principles of impartiality and objectivity, and its insistence on politicizing its allegations in a manner that distorts the facts, alienates its work from the defence of human rights and converts it into a political entity that endorses the allegations propagated by States and other bodies that sponsor terrorism. This does not promote a climate conducive to a political settlement and progress in the inter-Syrian dialogue. On the contrary, it helps to consolidate the climate of instability that encourages terrorist groups and their sponsors to continue committing crimes and to prolong the war against Syria.

I should be grateful to have this letter circulated as an official document of the thirty-ninth session of the Human Rights Council under item 4 of the agenda.

Hussam Edin **Aala**
Ambassador and Permanent Representative